

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue, Room 217
Rockville, Maryland 20850
(240) 777-6600**

<http://www.montgomerycountymd.gov/boa/>

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room 222

Wednesday, April 11, 2018

ACTION ITEMS:

1. Minutes of March 28, 2018, Worksession.

Action: Approved, (ESR/BG, 4-0) (JHP-abstained).

2. **A-6534, Petition of Neal and Beth Atwell** (Variance). Letter to the Board from the Petitioners submitting a revised location drawing for their garage.

Action: Re-opened the record to receive the revised location drawing for their garage, (BG/ESR, 5-0).

3. **CBA-1801, Petition of Potomac Holdings, LLC.** (Automobile Filling Station). Letter to the Board from Nancy P. Regelin, Esquire requesting a one year extension of time to implement the modification to this special exception.

Action: Granted one year extension of time to implement the modification of this special exception, (KF/ESR, 5-0).

4. **CBA-2740 and CBA-2740-A, Petition of Mid-Atlantic Petroleum Properties** (Automobile Filling Station). Memorandum to the Board from Barbara Cox, Inspector, DPS, indicating that this special exception property has been annexed into the City of Gaithersburg, and requesting that the special exception be revoked as the property is no longer under the jurisdiction of Montgomery County.

Action: Revoked this special exception as the property is no longer under the jurisdiction of Montgomery County, (ESR/KF, 5-0).

5. **S-420-H and A-6279, Petition of Holy Cross Hospital** (Hospital). Letter to the Board from Jim Duerr, Interim Vice President, Integrated Operations, Holy Cross Hospital, submitting the Hospital's Annual Report for the 2017 calendar year.

Action: Re-opened the record to receive Mr. Duerr's letter with attachments, (ESR/SBB, 5-0).

6. **S-517, Petition of White Oak Market, Inc.** (Retail Consumer Service Store in a Multiple-family Structure). Letter to the Board from Patience Shardow requesting that this special exception be transferred to her name.

Action: Granted the transfer of this special exception, (KF/SBB, 5-0)

7. **S-823, Petition of Murray Poltz and Richard Miller** (Medical Practitioner's Office for use of other than a Resident of the Building). Memorandum to the Board from Barbara Cox, Inspector, DPS, requesting that this special exception be revoked because the property has been rezoned, and the use is now permitted by right. Also included is consent to the revocation from the current property owner.

Action: Revoked this special exception as the use is now permitted in the zone, (SBB/BG, 5-0).

8. **S-2070 and S-2070-A, Petition of Johnson Enterprises** (Greenhouse/Wholesale/Retail Nursery and Garden Center). Memorandum to the Board from Barbara Cox, Inspector, DPS, indicating that this special exception property has been annexed into the City of Gaithersburg, and requesting that the special exception be revoked as the property is no longer under the jurisdiction of Montgomery County.

Action: Revoked this special exception as the property is no longer under the jurisdiction of Montgomery County, (ESR/SB, 5-0).

9. **S-2312, Petition of Nextel Communications of the Mid-Atlantic, Inc.** (Telecommunications Facility). Letter to the Board from Gregory E. Rapisarda, Esquire, on behalf of American Tower Corporation, seeking a transfer and, if necessary, an administrative modification of this special exception. Also included is a letter from Shane Hickey, an abutting property owner, expressing opposition to the requested modification.

Action: Granted the transfer of this special exception and also the administrative modification, (JHP/BG, 4-1, SBB opposed).

10. **S-2530, Petition of Gebriel Kengni**, (Accessory Apartment). Memorandum to the Board from Michelle Hadrack, Housing Code Inspector, DHCA, requesting that this special exception be revoked.

Action: Schedule Show Cause Hearing, (KF/BG, 5-0).

11. **CU-T-17-01, Petition of Cellco Partnership d/b/a Verizon Wireless and S-596, East Gate Recreation Association, Inc.** (Telecommunications Facility and Community Swimming Pool). Letter to the Board from Cathy G. Borten, appealing the Hearing Examiner's decision in CU-T-17-01, and requesting oral argument in both that case and in related case S-596. Also included is a letter from Steve Mister, President, East Gate Recreation Association, Inc., supporting the request for oral argument in both cases. Also included is a letter from William J. Chen, Jr., Esquire, requesting that the Board deny the request for oral argument and adopt the Hearing Examiner's decision and recommendation in these cases, and raising an additional issue for oral argument if it is granted. Also included is a letter from Cheryl A. Wetter, opposing request for oral argument and requesting to speak if it is granted. Also included is a letter from Susanne M. Lee, Vice President, West Montgomery County Citizens Association, opposing the request for oral argument. Also included is a Report and Recommendation from the Hearing Examiner in case S-596, dated March 7, 2018, recommending the denial of the requested administrative modification as moot, in light of the denial of the proposed telecommunications tower in CU-T-17-01.

Action: Denied the request for oral argument in both cases, and adopted the Hearing Examiner's decisions denying the conditional use and dismissing the administrative modification as moot, (ESR/SBB, 5-0).

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